

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

DAVID GONZALEZ,

Plaintiff,

VS.

CLARK COUNTY, EX REL-THE CLARK
COUNTY SHERIFF'S OFFICE, SGT.
ASPIAZU, 7117, CO HOOD, #9902,

Defendants.

2:17-cv-00607-JAD-VCF

ORDER REGARDING IN CAMERA PRODUCTION OF INTERNAL AFFAIRS

Before the Court is Defendants' Production of Documents for *in camera* review.

Following a hearing held on March 14, 2018 (ECF No. 48), the court entered an order deciding issues raised by Plaintiff's Motion to Compel Discovery (ECF No. 39). With regard to plaintiff's request that defendants be required to produce an internal affairs report discussing events related to Plaintiff's claim of excessive use of force, now at issue in this case, the court ordered defendants to produce the requested internal affairs report *in camera* for review by the court.

Defendants maintain that the internal affairs report is privileged and disclosure of this privileged document is not warranted, because any relevant information in the internal affairs report is also contained in an LVMPD Use of Force Incident Report, Bates Nos. CCDC 109-113, which was produced by defendants on March 12, 2018. This production was by mail and had not yet been received by plaintiff at the time of the discovery hearing. (ECF No. 49).

The court has reviewed the internal affairs report, submitted *in camera*, and compared it with the LVMPD Use of Force Incident Report, Bates Nos. CCDC 109-113. The court finds that the internal

1 affairs report does not contain discoverable information which is not also set forth in the LVMPD Use of
2 Force Incident Report, Bates Nos. CCDC 109-113. Balancing the interests supporting protecting the
3 confidentiality of the process by which LVMPD investigates allegations against its officers, against the
4 minimal usefulness of this internal affairs report to the plaintiff's preparation of his case, the court sustains
5 LVMPD's claim of privileged. The report will not be produced.

6 Accordingly,

7 IT IS HEREBY ORDERED that Defendants Production of Documents for *In Camera* Review is
8 filed under seal. The Clerk of Court is directed to NOT distribute a copy to the parties.

9
10 DATED this 26th day of March, 2018.


11 CAM FERENBACH
12 UNITED STATES MAGISTRATE JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25